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Arizona Corporation Commission

BEFORE THE ARIZONA CORPORATION COMMISSION**DOCKETED**

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COMMISSIONERS

MARC SPITZER, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON
KRISTIN K. MAYES

IN THE MATTER OF THE APPLICATION OF
SUGAR KANE VENDING COMPANY, LLC DBA
COMMUNITY PAY PHONE FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE CUSTOMER-OWNED
PAY TELEPHONE SERVICE IN THE STATE OF
ARIZONA.

DOCKET NO. T-04189A-03-0462

DECISION NO. 66518**ORDER**

Open Meeting
November 4 and 5, 2003
Phoenix, Arizona

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Commission finds, concludes, and orders that:

FINDINGS OF FACT

1. On July 7, 2003, Sugar Kane Vending Company, LLC dba Community Pay Phone ("Applicant") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide customer-owned pay telephone ("COPT") service in the State of Arizona.

2. In Decision No. 55817 (December 10, 1987), the Commission found that COPT providers were public service corporations subject to the jurisdiction of the Commission.

3. In Decision No. 57797 (April 8, 1992), the Commission adopted A.A.C. R14-2-901 through R14-2-909 to regulate COPT providers.

4. Decision No. 58535 (February 14, 1994) adopted a Generic Tariff that establishes rates and minimum service standards applicable to COPT service.

5. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding COPT Certificates without a hearing.

6. Applicant has requested that a Certificate be granted and has indicated that it will

1 provide COPT service pursuant to the rates, terms and conditions specified in the Generic COPT Tariff.

2 7. Applicant has payphone locations and submitted certification that it posted the
3 required Notice of Application at its payphone locations.

4 8. On August 1, 2003, the Commission's Utilities Division Staff ("Staff") filed a Staff
5 Report, recommending approval of the application without a hearing.

6 9. Staff stated that the Applicant has provided a copy of its customer information placard
7 in compliance with the Generic Tariff.

8 10. Staff also stated that increased pay telephone availability is in the public interest.

9 **CONCLUSIONS OF LAW**

10 1. Applicant is a public service corporation within the meaning of Article XV of the
11 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

12 2. The Commission has jurisdiction over Applicant and the subject matter of the
13 application.

14 3. The provision of COPT service in Arizona by Applicant is in the public interest.

15 4. Applicant is a fit and proper entity to receive a Certificate for providing COPT service
16 in Arizona.

17 5. Staff's recommendation in Findings of Fact No. 8 is reasonable and should be
18 adopted.

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28 **ORDER**

ORDER

IT IS THEREFORE ORDERED that the Application of Sugar Kane Vending Company, LLC dba Community Pay Phone for a Certificate of Convenience and Necessity for authority to provide customer-owned pay telephone service in Arizona shall be, and the same is, hereby granted.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.


CHAIRMAN
COMMISSIONER
COMMISSIONER
COMMISSIONER
COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 10th day of November, 2003.


BRIAN C. McNEIL
INTERIM EXECUTIVE SECRETARY

DISSENT _____

DISSENT _____

AP:dap

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2 SERVICE LIST FOR:

SUGAR KANE VENDING COMPANY, LLC dba
COMMUNITY PAYPHONE

3 DOCKET NO.:

T-04189A-03-0462

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